

T H E
T R Y A L S

Of several
Notorious MALEFACTORS:

T O G E T H E R

With the other most Remarkable PROCEEDINGS

A T T H E

Quarter-Sessions

O F

G O A L E - D E L I V E R Y,

Holden at the Sessions-House in the *Old-Bailey*, for the
City of L O N D O N and County of M I D D L E S E X;

Which began on M U N D A Y, *October 17. 1681.* and ended
on Wednesday the Nineteenth of the same instant.

O *ctober 17.* This day the Sessions began at the Sessions-house in the *Old-baily*, holden there for the City of *London*, County of *Middlesex*, and Goale-Delivery of *Newgate*, where the most remarkable proceedings were these.

After the Court had sat about an hour, there being the two Lord Chief Justices, my Lord Chief Baron, and seven other Judges present; the Right Honourable the Earl of *Shaftesbury*, *William Lord Howard*, Baron of *Escreck*, Mr. *John Wilmore*, Mr. *Edward Whittaker*, Mr. *John Rouse*, Prisoners in the *Tower of London*, upon Commitments of High-Treason, and of *Samuel Wilson* Prisoner in the *Gate-house*, upon the like Commitment, were tendred to the Court, and by the order of my Lord Chief Justice *Pemberton* publickly read, &c. all of them tending to one and the same purport; shewing that the aforesaid Petitioners having been Committed for the heinous Crime of High-Treason against his Majesty, as by the Warrants of their Commitments appears, and have been continued Prisoners without any manner of prosecution, notwithstanding some of them having twice Petitioned that Honourable Court to be brought thither by *Habeas Corpus*, to be Tried or Bailed, therefore they again humbly besought their Lordships, that according to the Tenor of the Act, made and provided for the securing the Liberty of the Subject, they might then be brought by *Habeas Corpus* to receive the benefit of the said Act, according to the intent and meaning thereof. As to the Petitions of the Prisoners in the *Tower*, my Lord Chief Justice was pleased to return for answer, *That it had been, and was the Opinion of all the Judges, That the Tower was a Prison not within the Jurisdiction of that*

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Court, and therefore, as he had formerly told them, so he did again declare, That it was not in their power to relieve them, but that they must the first week in the Term apply themselves to the Court of Kings-Bench; and if no prosecution was made, they might there receive the benefit of the Act for securing the Liberty of the Subject. As for the latter, viz. Mr. Wilson, his Lordship said, They sate only by a Commission of Goale-delivery; and he not being in the Goale of Newgate, the Court had not to do with him.

Then the Grand-Jury for the City of London appearing, Mr. Jones and Mr. North, Counsels for the King, made objections against the returning of the Pannel: first, for that one and the same men were returned upon a Precept of Oyer and Terminer and Goale-delivery; but the Opinion of the Court being, that such Returns were usual, they prayed that they might be called over before they were Sworn, for as much as they had been informed, that some of them had been Returned at the nomination of persons that were not the Sheriffs sworn Ministers, which was contrary to the Statute of 3 Hen. 8. And farther, that they had been informed, they were not observers of the Kings Laws, in as much as they frequented Conventicles, and resort not to their respective Parish-Churches, and therefore prayed the Pannel might be reformed. To which Objection Mr. Sheriff Pilkinton answered, That he knew them to be all worthy Gentlemen, and men of unspotted Reputations; and that he had returned them at the nomination of no person, but upon his own certain knowledge of their being substantial Citizens. Then at the request of Mr. Solicitor General, they being demanded whether they resorted to Church, my Lord Mayor was pleased to answer, That he was well satisfied in several of them that they were good Churchmen; so that there was only two amongst them that seemed to scruple to give a positive answer to that demand, viz. Mr. Crisp and Mr. Loggan; whereupon (after a long debate, and the reading of the Statute of 3 Hen. 8.) twice or thrice over, the Sheriffs gave their consents to the racing out their Names, and inserting two others.

John Pack was Tryed for stealing a Gelding, valued at five pound, from William Pack his Master, living near Rochester in the County of Kent; but for as much as the Horse being brought up to London, and found in Water-lane, where he had disposed of him, the Felony was laid in London. He being askt what he could say for himself, only alleadged, that his Master lent him the Horse: but having Robbed him of several things of value at the same time, the Jury found him guilty of the Felony.

John Fulnum was likewise Tryed for the Murthering of Sarah Richardson, on the twenty seventh of September last, the manner thus: he coming up Sea-coal-lane, in the Parish of St. Sepulchres, with a Dray, in which he had two Horses, who upon a suddain starting from the mid-way, ran the Dray up against the wall, whenas the party deceased, who was a Girl of about four or five years of age, thinking to secure herself behind a great stone that stood up at a Mafons door, the wheel drove it down upon her and crushed her to death: but the Witnesses speaking very favourably on the Prisoners side, how he used his utmost endeavours to save the Child, and that he expressed abundance of sorrow upon the sight of that unlucky accident, he was acquitted of the Felony; but the Court thought fit to bind him to his good Behaviour, as likewise the Master of the Dray, to appear at the Sessions of Peace to be holden at Guild-hall next Friday, and ordered the Mother of the deceased to prosecute the Mason, for that he being Indicted, had brought a Certiorari to remove.

Francisco Ferdinando, a Dutchman, was Tryed for entring a House in the Parish of St. Mary Wolnooth, breaking open a Chest, and taking from thence several parcels of Linnen; but the woman of the house coming up before he could convey himself away, he was apprehended. Upon his Tryal he alleadged he could not speak English; whereupon an Interpreter was ordered him, and a Jury of half Forreigners and half English were Impannelled, who after a full hearing of the Evidence against him, brought him in guilty of the Felony.

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John King and *John Winel* were Tryed for feloniously Murthering of *Robert Reeks*, a young man of the Queens Guards, near the *May-pole* in the *Strand*; the manner of the Fact, as it was Sworn to by the Evidence, was as followeth. The deceased and the Prisoners meeting in a Coffee-house, happened into discourse about divers affairs; whereupon a contest arising between them, they fell to quarrelling, but by the perswasions of some persons present, those feuds were seemingly laid aside, and they departed as good friends; but by the way they again falling at variance, the Prisoners drew their Swords, upon pretence that the deceased justled them, and struck the latter with his Cane, which he perceiving, drew likewise, upon which they pursued him into a Shop. (where he endeavoured to save himself) and there after several Passes run him in under the Right Pap four Inches, as likewise into the Back, of which wounds he instantly dyed. The Chirurgeon that searched the Wounds, declaring upon Oath, that the Wounds were given by two several Swords: and they after the Murther committed betaking themselves to flight, the Jury found them both guilty of wilful Murther.

John Rouse being removed by *Habeas Corpus* from the Tower of London, to the County-Goale of *Newgate*, a Bill of Indictment for High-Treason was preferred against him, the substance of which was, *That he on the Eighteenth of March last, and at sundry other times, had spoke divers Treasonable Words, tending to the destruction of his Majesty, and the Subversion of the Government.* The Evidence that swore to the Bill, were *Bryan Haynes, John Wyat, Edward Turberville, Edward Ives, John Macknamarra, Bernard Denis, Thomas Corkine, Elizabeth Haynes, and John Smith*; many of which Deposed, That *Rouse* should say, *That although the Sessions of Parliament at that time to be holden at Oxford would be but short, yet the several Prorogations and Dissolutions would avail nothing; and that they the people of England had yet another way to effect their designs; which was by force of Arms to compel his Majesty to condescend to their requests; with many other Treasonable Words, which we think not fit here to insert.* After all the Witnesses had been publicly sworn in Court, the Grand-Jury withdrew: but the Court not allowing them to examine the Witnesses in private, they returned, and after a long debate of the Priviledges and usual Customs of Grand-Juries, they consented to hear the Witnesses over again in open Court, and to ask them such Questions as they should think convenient. Whereupon, the Witnesses were called one by one, and after a long and tedious Examination, the Jurors withdrew to debate the Evidence; and having held a private consultation for the space of three hours, they came into Court, and answering every man to his Name, returned the Bill *IGNORAMUS*; upon which, being demanded whether they did not believe the Witnesses, or that they thought the words expressed in the Indictment, and others that had been sworn to, were not Treasonable; the Court declaring, That if they scrupled the latter, they would resolve their doubts; but their answer was, *That they were satisfied in their CONSCIENCES of what they had done; and farther added, That they could not believe what the Witnesses had Sworn.*

Thomas Baly was Tryed upon an Indictment of High-Treason, for Clipping and Filing the currant Coyn of this Kingdom, viz. Forty *Elizabeth* shillings, Forty of King *James's* shillings, and Forty of King *Charles the First* his half-Crowns. The Evidence against him swore, That when they apprehended him, they found Clipping shears and other Implements about him; and that he had at several times put Monies to Goldsmiths in *Lumbard-street*, the which he called in at short warnings, receiving broad Money for his Clipped, having put out in other mens names about six hundred pounds, but for which he allowed them two shillings in the pound; but he pleading that the Clipping Instruments were delivered to him by one *Hix*, and that he was only trusted with the Money, the which for fear of an Attachment, he was obliged to put out in strange names, he was brought in Not guilty.

Elizabeth Warner was Tryed for Robbing *Thomas Fopling* of *St. Pauls Shadwell*, on the Twenty fourth of *September* last, of Twenty five shillings in Money, to which she pleaded Not guilty; but having confessed it before the Justice of Peace, and her Confession testified against her in Court, she was found guilty, and received Sentence.

George Paget was Tryed for stealing a Silver Cup in *St. Clements Danes*, of which being found guilty, was ordered to be Whipped.

James Beech, and *William Pomfret*, had an Indictment preferred against them for stealing a Tankard, valued at five pounds, from *Thomas Price*, living in the Parish of *St. Clements Danes*; the circumstances of which, as they appeared upon Evidence, were, That the Prisoners coming into the Prosecutors house to drink, stayed the drinking of five Tankards, and then calling for another, the Maid of the House brought it them, but they alleadged, she took away the Tankard, and returned it not again; so that a contest arising, the Prosecutor charged them with a Constable, and carried them before a Magistrate, who bound them over; but it appearing by the Prisoners Witnesses, that *Price* offered to compound with them, and to take half Money, and their Bonds for the residue; and they appearing by the testimonies of their Neighbours, to be honest laborious and industrious men, were acquitted by the Jury.

The Grand-Jury for *London* presented several noted Recusants, living in the City and Liberties thereof, and received the Commendations of the Court for so doing; declaring, that it had been a great defect in former Juries, who had been altogether slack in returning them, which was the occasion, that within this great City, few or none had been Convicted since the beginning of the Plot; to which Mr. Sheriff *Pilkinton* answered, That their Lordships needed not doubt the diligence of this Jury in finding Bills against Recusants, in order to their being Convicted.

The Countess of *Portland*, and several others that had been formerly Indicted of Recusancy, and had joyned Issue thereupon, being called, and not appearing, were put upon the Jury of Life and Death for the County of *Middlesex*, who Convicted them according to the Statute last made and provided.

Margaret Haines, a woman about seventy years of age, was Indicted for having two Husbands; her Plea was, That her former Husband had been absent eighteen years, and that the latter having spent all she had, Indicted her to take away her life, thereby to make way for another; so that there being no prosecution, the Court took pity on her, and directed the Jury to Acquit her.

Mary Marshal was tryed for stealing a Curral, with a Silver Chain, valued at twenty Shillings; which being proved against her, she was Convicted of the Felony; but not being above twelve years of age, though an old Offender, having been in *Newgate* before, for the like Robberies, she received Sentence with the rest; but notwithstanding, was reprieved after Judgment, for Transportation.

Margery Marsh, who had been formerly Condemned for Clipping, and *Arabella Pickering*, were Tryed for Misprision of Treason, for putting away false Coin, knowing of which, they were both Convicted.

There were at this Sessions seven persons Burnt in the hand, six Condemned to die, three men and three women, viz. *John King*, *John Winel*, *John Pack*, *Rush Charter*, *Mary Marshal*, and *Elizabeth Warner*. Four to be Whiped, and one to be Transported.